

FEB 21 2000

LOCAL GOVERNMENT

HOUSE FILE
BY TEIG

2353

Passed House, Date _____ Passed Senate, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act limiting the liability of rural water districts in
 2 connection with the provision of water for fire protection.
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2353

1 Section 1. Section 357A.23, Code 1999, is amended to read
2 as follows:

3 357A.23 CITY SEWER AND WATER FRANCHISE AUTHORIZED.

4 Notwithstanding section 364.2, subsection 4, paragraph "a",
5 for the purposes of obtaining or qualifying for federal
6 funding, a city may grant a franchise to a rural water
7 district incorporated under this chapter or chapter 504A, for
8 a term of not more than forty years. In addition to the
9 franchises listed in section 364.2, subsection 4, paragraph
10 "a", a city may grant a franchise to a rural water district
11 incorporated under this chapter or chapter 504A, to erect,
12 maintain, and operate plants and systems for sewer services.
13 A rural water district or rural water association incorporated
14 under this chapter or chapter 504A, which only provides water
15 service to cities, benefited fire districts, or townships,
16 through agreements, including emergency agreements, wholesale
17 or bulk supply agreements, or franchise agreements, pursuant
18 to a purchase or donation, shall not be liable for any claim,
19 including a claim against the district or association for
20 failure to provide or maintain fire hydrants or an adequate
21 supply of water or water pressure for fighting fires, based
22 upon or arising out of an act or omission in connection with
23 the use of the water for fire protection purposes. All
24 provisions of section 364.2 shall otherwise apply to a
25 franchise granted to a rural water district.

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EXPLANATION

27 This bill provides that a rural water district which is
28 incorporated and organized pursuant to Code chapter 357A or
29 504A is immune from liability for any claim based on or
30 arising out of an act or omission in connection with the
31 provision of water for fire protection by a city, township, or
32 benefited fire district, whether the water is provided
33 pursuant to a franchise or otherwise.

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